

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:
Robert Negron

Case No.: 16-12725
Judge: ABA
Chapter: 13

Debtor(s)

Chapter 13 Plan and Motions

- ☐ Original ☒ Modified/Notice Required ☒ Discharge Sought
☒ Motions Included ☐ Modified/No Notice Required ☐ No Discharge Sought

Date: 03/21/2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 211.00 per month to the Chapter 13 Trustee, starting on April 1, 2017 for approximately 23 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☒ Other sources of funding (describe source, amount and date when funds are available):

Debtor's wife's income on an ongoing basis, from the source and in the amount as shown in debtor's Schedule I, PLUS \$2,743.00 paid into plan thus far.

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: _____

- ☐ Refinance of real property:

Description:

Proposed date for completion: _____

- ☐ Loan modification with respect to mortgage encumbering property:

Description: Debtor's residence at 1941 Wynnewood Drive, Vineland, NJ 08361

Proposed date for completion: _____

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☒ Other information that may be important relating to the payment and length of plan:

Debtor's mortgage was recently modified.

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Isabel C. Balboa, Trustee	Trustee Commissions	As allowed
Victor Druziako, Esq.	Attorney Fees	\$3,000.00
Internal Revenue Service	Taxes	\$2,244.42

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
Capital One Bank (judicial lien)	Debtor's Residence	\$3,933.00	\$211,000.00	\$277,000.00	\$0	n/a	\$0

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Wells Fargo Financial National Bank	Items purchased from Raymour & Flanagan (goods are damaged due to ordinary wear and tear and have no resale value)	\$0	\$4,711.10

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Mortgage on debtor's residence with Caliber Home Loans, as recently modified and approved by the Court.

e. Secured Claims to be Paid in Full Through the Plan:

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ _____ to be distributed *pro rata*

☐ Not less than _____ percent

☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
Capital One Bank	Debtor's Residence	\$3,933.00 (100% of lien)

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Attorney Fees
- 3) Allowed Priority Claims
- 4) All other allowed claims

d. Post-Petition Claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: 2/16/2016.

Explain below **why** the plan is being modified:

To show modification of mortgage, address and provide for payment of IRS priority claim, and to show the surrender of collateral claimed as security for Wells Fargo Financial National Bank's secured claim.

Explain below **how** the plan is being modified:

The modified plan references the Court-approved mortgage modification, provides for payment of the IRS priority claim, and includes the surrender of collateral claimed as security for Wells Fargo Financial National Bank's secured claim.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: 3/21/2017

/s/ Victor Druziako
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 3/21/2017

/s/ Robert Negron
Debtor

Date: _____

Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Robert Negron
 Debtor

Case No. 16-12725-ABA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 35

Date Rcvd: Mar 22, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 24, 2017.

db Robert Negron, 1941 Wynewood Drive, Vineland, NJ 08361-6770
 aty +Stern Lavinthal & Frankenberg, 105 Eisenhower Parkway, Suite 302, Roseland, NJ 07068-1640
 516000491 Attorney General, United States Dept. of Justice, Ben Fran, Washington, District of Columbia 20044
 516000492 +Barclays Bank Delaware, 700 Prides Xing, Newark, Delaware 19713-6102
 516000493 +Capital One Bank, POB 30281, Salt Lake City, Utah 84130-0281
 516000494 Capital One Bank, POB 30285, Salt Lake City, Utah 84130-0285
 516056175 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 516000495 Comenity/Victoria's Secrets, Bankruptcy Department, POB 182125, Columbus, Ohio 43218-2125
 516000497 +Dunya & Associates, LLC, 1400 E. Touhy Ave., Suite G2, Des Plaines, IL 60018-3338
 516000499 ++FORSTER & GARBUS LLP, 60 VANDERBILT MOTOR PARKWAY, P O BOX 9030, COMMACK NY 11725-9030
 (address filed with court: Forster, Garbus & Garbus, 60 Motor Parkway, Commack, New York 11725-5710)
 516000500 Inspira Health Network, POB 48274, Newark, New Jersey 07101-8474
 516000501 Inspira Health Network, Attn: Carepayment, POB 2398, Omaha, Nebraska 68103-2398
 516000503 +Littman Jewelers, 1000 Mac Arthur Blvd., Mahwah, New Jersey 07430-2035
 516000504 +Lyons, Doughty & Veldhuis, POB 1269, 136 Gaither Drive, Suite 100, Mt. Laurel, New Jersey 08054-2239
 516171688 +Midland Funding, LLC, P.O. Box 2011, Warren, MI 48090-2011
 516000506 +Monica L. Soboloski-Negron, 1941 Wynewood Drive, Vineland, New Jersey 08361-6770
 516000507 Pinnacle Mid-Atlantic Anes/NJ, POB 650782, Dallas, Texas 75265-0782
 516000508 Premier Orthopaedic Associates, POB 2749, Vineland, New Jersey 08362-2749
 516000509 Regional Diagnostic Imaging, LLC, 2527 Cranberry Hwy., Wareham, Massachusetts 02571-1046
 516000511 So. Jersey Hs. Emg. Phys. Sv., PA, 3585 Ridge Park Drive, Akron, OH 44333-8203
 516162516 +TD Retail Card Services, c/o Creditors Bankruptcy Service, P O Box 800849, Dallas, TX 75380-0849
 516000512 +The Landis Sewerage Authority, 1776 S. Mill Road, Vineland, New Jersey 08360-6200
 516636377 +U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER, Phelan Hallinan & Schmieg, PC, 400 Fellowship Road, Suite 100, Mt. Laurel, NJ 08054-3437
 516000514 +WFFNB/Raymour & Flanigan, 800 Walnut Street, POB 14517, Des Moines, Iowa 50306-3517
 516171360 Wells Fargo Bank NA, PO Box 10438, Des Moines IA 50306-0438

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Mar 22 2017 23:15:44 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustregion03.ne.ecf@usdoj.gov Mar 22 2017 23:15:40 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
 516000490 +E-mail/Text: roy.buchholz@allianceoneinc.com Mar 22 2017 23:14:45 AllianceOne Receivables Management Inc., 4850 Street Road, Suite 300, Trevose, Pennsylvania 19053-6643
 516202499 +E-mail/Text: bncmail@w-legal.com Mar 22 2017 23:15:52 Cerastes, LLC, C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
 516000496 E-mail/Text: creditonebknotifications@resurgent.com Mar 22 2017 23:14:56 Credit One Bank, POB 98872, Las Vegas, Nevada 89193-8872
 516000498 E-mail/Text: bankruptcy@firstpointcollectionresources.com Mar 22 2017 23:16:17 First Point Collection Resources, Inc., POB 26140, Greenboro, NC 27402-6140
 516000502 E-mail/Text: cio.bncmail@irs.gov Mar 22 2017 23:15:13 Internal Revenue Service, P. O. Box 7346, Philadelphia, Pennsylvania 19101-7346
 516000505 +E-mail/Text: bankruptcydpt@mcmcg.com Mar 22 2017 23:15:39 Midland Funding LLC, 8875 Aero Dr., Suite 200, San Diego, California 92123-2255
 516035307 E-mail/Text: bnc-quantum@quantum3group.com Mar 22 2017 23:15:33 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
 516000513 +E-mail/Text: usanj.njbankr@usdoj.gov Mar 22 2017 23:15:44 United States Attorney, Peter Rodino Federal Building, 970 Broad, Newark, New Jersey 07102-2527
 TOTAL: 10

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr* +U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER, Phelan Hallinan & Schmieg, PC, 400 Fellowship Road, Suite 100, Mt. Laurel, NJ 08054-3437
 lm ##Seterus Inc., PO Box 2008, Grand Rapids, MI 49501-2008
 516000510 ##Seterus, Inc., POB 2008, Grand Rapids, Michigan 49501-2008

TOTALS: 0, * 1, ## 2

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0312-1

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 35

Date Rcvd: Mar 22, 2017

***** BYPASSED RECIPIENTS (continued) *****

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 24, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 21, 2017 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Queens Park Oval Asset Holding Trust
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,
summarymail@standingtrustee.com
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
James Patrick Shay on behalf of Creditor U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER
PARTICIPATION TRUST james.shay@phelanhallinan.com
Joshua I. Goldman on behalf of Creditor Queens Park Oval Asset Holding Trust
jgoldman@kmlawgroup.com, bkgroup@kmlawgroup.com
Victor Druziako on behalf of Debtor Robert Negron bkdruziako@aol.com

TOTAL: 6